

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)

Plaintiffs,)

v.)

No. 4:12-CV-1511 CAS

A.L.L. CONSTRUCTION, LLC,)

Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiffs' Second Motion for Default Judgment. In response to the motion, Anton Lumpkins, president of defendant A.L.L. Construction, LLC, filed a motion for a ninety-day extension of time to take unspecified action.

The motion filed by Mr. Lumpkins is an attempt by A.L.L. Construction, LLC, a limited liability company, to proceed in federal court without the benefit of licensed counsel. Pursuant to 28 U.S.C. § 1654, parties have the right to represent themselves, pro se. A lay person, however, cannot represent a corporation or other business entity in federal court. As the Supreme Court stated, "It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel. As the courts have recognized, the rationale for that rule applies equally to all artificial entities." Rowland v. California Men's Colony, Unit II Men's Advisory Council, 516 U.S. 194, 201-02 (1993); Ackra Direct Mktg. Corp. v. Fingerhut Corp., 86 F.3d 852, 857 (8th Cir. 1996); see also Harrison v. Wahatoyas, L.L.C., 253 F.3d 552, 556 (10th Cir. 2001) ("As a general matter, a corporation or other business entity can only appear in court through an attorney and not a non-attorney corporate officer appearing pro se.").

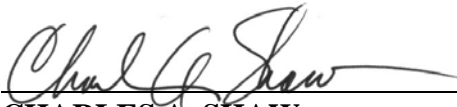
This Court has held that a limited liability company can only appear by licensed counsel. See, e.g., Joda, LLC v. Ace NC Systems, LLC, 2014 WL 2217279, at *1 (E.D. Mo. May 29, 2014); Greater St. Louis Constr. Laborers Welfare Fund v. Sunrise Constr., LLC, 2008 WL 4534231, at *1 (E.D. Mo. Sept. 29, 2008). The Court takes judicial notice of a prior case involving the same parties to this action, in which the Honorable Carol E. Jackson issued an order striking a document filed by Mr. Lumpkins on behalf of the defendant limited liability company, and stating that the defendant could only be represented in federal court by a licensed attorney. See Greater St. Louis Construction Laborers Welfare Fund v. A.L.L. Construction, LLC, No. 4:06-CV-988 CEJ, slip op. at 1 (E.D. Mo. Apr. 17, 2007). Defendant was therefore on notice that it could not appear in this case through its president.

Because he is not a licensed attorney, Mr. Lumpkins may not act on behalf of or otherwise attempt to represent A.L.L. Construction, LLC. As a result, the motion for an extension of time will be denied and stricken from the record.

Accordingly,

IT IS HEREBY ORDERED that defendant's Motion for Extension of Time is **DENIED** and is **stricken** from the record. [Doc. 33]

IT IS FURTHER ORDERED that the Court will proceed to address plaintiffs' Second Motion for Default Judgment.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of June, 2014.